

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, July 21, 2010

6:30 P.M.

I. CALL TO ORDER

Chairman Oldaker called the meeting to order at 6:30 p.m. Members present were Chairman Alfred Oldaker, Vice Chairman Yann Brandt, George Hunsaker and Ben Freeny. Also present were Jeff Bowman, Director of Development Services, Susan Trevarthen, Town Attorney, and Walter Keller, Planning Consultant. Board Secretary Colleen Tyrrell was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES

Regular Meeting of the Planning and Zoning Board – January 16, 2010

Board Secretary Colleen Tyrrell indicated there was a Scribner's error, and January was corrected to reflect June.

All voted in favor of approving the June 16, 2010, minutes as presented.

IV. NEW BUSINESS

Project:

Applicant:

Location:

Request:

(A) The Planning and Zoning Board to provide recommendations to the Town Commission to the proposed amendments to the Towns' Code of Ordinances and the Towns' Comprehensive Plan.

Item #1. Code Amendments to 30-313 (29) General Provisions to allow swimming pools in the front setbacks. (Jeff Bowman)

Item #2. New Code Section 11-21 to address foreclosed and/or abandoned properties. (Jeff Bowman)

Item #1. Amendments to the Towns' Comprehensive Plan to include revisions to address the Broward County Planning Council's Provisional Certification of the Future Land Use Element, the new Public School Facility Element. (Walter Keller)

Chairman Oldaker commented regarding Item #1: Code Amendments to 30-313 (29), mentioning Mr. Bowman supplied a number of diagrams in the backup for clarity.

Director of Development Services Jeff Bowman reviewed the details of Item #1, as set forth in the backup. He provided illustrations in order to elaborate on the matter of the site triangle based on the Board's discussion at its previous meeting at which he was not present.

Chairman Oldaker questioned as to the curb of the subject property and how did the five-foot setback follow the curb.

Mr. Bowman responded the Code required the setback to follow the property line.

Chairman Oldaker observed the measurements associated with the subject property allowed for the maximum sized pool that could fit.

Mr. Bowman replied lots varied in size and shape, as some might not have 25 feet from the setback. He continued with the presentation.

Mr. Freeny inquired regarding the site line issue on the corners, noting this took precedent over whatever the property line might be.

Mr. Bowman answered: correct.

Vice Chairman Brandt sought clarification if the proposed changes to the subject ordinance pertained to corner lots only to allow for pools in the front setback.

Mr. Bowman affirmed this to be the case.

Chairman Oldaker observed there were two versions: the first dealt with general front yards, and the second pertained to corner lots only; the aim was to move forward with the second version.

Mr. Hunsaker commented, for information purposes, the proposed changes was neither version one nor two but a revised version that stood alone; thus, it should not be referred to as version one or two anymore.

Town Attorney Susan Trevarthen confirmed this as correct, but remarked Chairman Oldaker was also correct in stating there were two versions in June and the Board was directed to proceed with version two, which Town staff did. Staff had an opportunity to revisit version two with the benefit of the Board's questions and input, and they endeavored to devise a better product.

Mr. Bowman pointed out there were no changes to the language per say, rather it was more a case of moving paragraphs up into subsections; there was now a new (d) and (e) that used to be standalone paragraphs, making them easier to interpret.

Vice Chairman Brandt made a motion to approve the proposed Code Amendments to Ordinance 30-313 (29), seconded by Mr. Freeny, sending the changes to the Town Commission with the recommendation of approval by the Planning and Zoning Board.

In a roll call vote, the motion passed 4 – 0. The motion to approve Code Amendments to Ordinance 30-313 (29) passed.

Mr. Freeny mentioned speaking with a number of people in the community to get an idea of their thoughts on the subject issue, and he wondered if the language of the ordinance was clear enough or the Board's decision to allow pools in the front yard. He asked if by including the picture of the pool in the front yard where the pool was actually in the side yard to the north of the house, was the Code limiting the possibility of placing a pool in the front yard facing the front.

Mr. Bowman indicated where the subject pool was located was in the front yard. The shorter of the two fronts was considered the front yard.

Mr. Freeny noted with the definitions in place both in the subject ordinance and other ordinances, a resident was precluded from installing a pool along the longer side of the lot where their front door, garage, etc. was located.

Mr. Bowman answered: yes, as this would be considered their side yard.

Mr. Freeny said in his discussions with residents, a number of them indicated they were dissatisfied with the ability to put in screened enclosures so visible to the street. This was an aesthetic issue for people residing across the street from such properties. He preferred that this not be allowed.

Town Attorney Trevarthen pointed out the Board already took a vote on the subject item; procedurally, in the future such questioning and discussion should take place prior to the vote. If the Board wished to go back and consider the language, it would have to move to reconsider. Specifically, voting should only take place when the Board was ready to vote; there was normally a motion and second to approve, followed by discussion, after which the vote was called. She said there was no harm done, considering the newness of the Board, and it was important for Board members to feel they dealt with issues sufficiently. In the present situation, she was construing the status of the subject item as a motion to reconsider by a member of the Board, placing the matter back on the table for discussion and a vote.

Mr. Bowman reiterated every lot was unique, noting with the subject lot, had there been more side space the pool could have been put more off to the side of the lot, and the screened enclosure would have been equally visible from the street. The gist of the present process was to allow people wishing to install a pool in the front yard of a corner lot in answer to a request that came before the Town Commission; the number of property owners seeking such consideration was very small.

Vice Chairman Brandt thought the subject ordinance dealt with where a pool could and could not be situated on a property. If there was a need to have a discussion regarding screened enclosures and whether to allow them, the Board should seek to discover if this was an issue the Town Commission wished the Board to undertake at a later time. For the purposes of the amendments to the subject ordinance, he felt the Board should move his motion forward and limit the discussion to the location of the pool on the lot. It might not be possible to address the issue of screened enclosures under the subject ordinance.

Mr. Freeny stated what prompted him to bring up the matter of screened enclosures was a reference made regarding screened enclosures and/or fences in the subject ordinance being utilized to comply with safety issues.

Vice Chairman Brandt commented, as the Board already voted on the subject item, they should move on and, if the issue of screened enclosures was brought before the Commission, the Board would then give it consideration as directed.

Town Attorney Trevarthen sought and received confirmation the Board, without objection, remained in favor of recommending approval of the proposed Code amendments to the subject ordinance to the Commission.

Chairman Oldaker moved the discussion to Item #2: the proposed new Code Section 11-21 pertaining to foreclosed and abandoned properties. He noted Mr. Bowman included in the backup a number of responses from various municipalities that implemented similar laws.

Mr. Bowman went on to review the backup information, noting at the previous meeting the Board requested staff gather information from five other cities; the code Town staff drafted mirrored that of Coral Springs and Margate, and their responses were favorable; Hillsborough and Lighthouse Pointe did not have an abandoned property ordinance, and Unincorporated Broward County had an ordinance that they gave a favorable response.

Attorney Trevarthen added she did some asking around at her firm to afford the Board other experiences. She discovered Marco Island and Miramar had not adopted such an ordinance, but Davie and Cooper City had and expressed their support for such an ordinance, giving very positive feedback. Cutler Bay in Dade County adopted a similar ordinance some two years ago and felt it had been very beneficial to their interest thus far.

Chairman Oldaker pointed out many of the municipalities mentioned were considerable larger than Lauderdale-By-The-Sea and had more staff to administer the code; however, being smaller, meant the number of foreclosures in the Town were fewer. He previously had a number of objections to the proposed ordinance, as he found it overwhelming, and foreclosures were prevalent throughout Broward County. Having thought on the matter further, it appeared to be something worth trying; if it worked well and staff was capable of executing the required work this was fine; but if it became burdensome, the situation could be addressed.

Mr. Hunsaker felt the proposed ordinance was overkill for the Lauderdale-By-The-Sea community, and he was unsure if what was contained in the subject ordinance could already be found in the existing Code. There were already code requirements in place for maintenance to property, and added language in the proposed ordinance just enabled the Town to deal better with mortgage holders. It gave him cause for concern when implementing such an ordinance required intensive manpower the Town did not have available; putting an ordinance on the books simply for the sake of doing so seemed poor government.

Vice Chairman Brandt questioned if Town staff, in recommending the approval of proposed ordinance, believed the Town had adequate staff to administer the ordinance.

Mr. Bowman replied Town staff felt sure there was adequate manpower to enforce the proposed ordinance, due to the number of occurrences being manageable by virtue of the Town's size.

Vice Chairman Brandt asked if a bank/lender failed to comply with the registration, notification or property management portions of the proposed ordinance, was there a time period associated with the failure to comply leading to the issuance of a second citation.

Mr. Bowman acknowledged the first violation carried a penalty of \$250; failure to comply within the allotted time period would cause other fines to apply to the property in violation. There was also the option of taking the matter to the Magistrate, and he could order a daily fine for each day the property remained out of compliance.

Vice Chairman Brandt inquired if the proposed ordinance would, in any way, limit the ability for someone experiencing a hardship, such as job loss, to enter into a short sale or would staff wait for a default scenario to unfold.

Mr. Bowman pointed out the proposed ordinance was geared toward the mortgage companies and lenders not the individual property owners. If the latter still occupied the property, Town staff tried to work with them to rectify the situation. The Town's goal was not to create revenue or hardships; this was just a tool to make banks responsible for the upkeep of specific properties.

Vice Chairman Brandt voiced his main concern as staff being able to follow through with ensuring the ordinance was complied with; he had no desire for the proposed ordinance becoming a negative code on a property owner trying to make things work. He preferred a situation whereby lenders felt there was a financial disincentive for them not to comply.

Mr. Bowman commented staff was receiving numerous calls from lending institutions as to whether the Town had an ordinance in place similar to that being proposed, as many cities had. Thus, they were being proactive calling Town staff to find out if Lauderdale-By-The-Sea had the same registration requirement as other cities.

Mr. Freeny sought clarification the proposed ordinance applied strictly to properties that were already in foreclosure, and the title had been taken back by the lenders.

Mr. Bowman replied the proposed ordinance applied to properties in the process of foreclosure and were vacant/abandoned for more than ten days.

Mr. Freeny wondered how many properties were currently in foreclosure in the Town.

Mr. Bowman, though unable to give an exact number, guessed it to be just a handful.

Chairman Oldaker noticed in the procedures portion of the proposed ordinance, the word "default" was used, and in the banking industry default referred to nonpayment after a specific period. Thus, the burden of compliance with the subject ordinance appeared to be mainly on the lender not on the homeowner/borrower.

Mr. Bowman pointed out, as long as the property was occupied, Town staff would continue to work with the occupants to cure or abate any violations on that property. If staff found the occupants unwilling to do anything to rectify the violation, the next step was to fine the bank, making them responsible for coming into compliance and/or paying the fine.

Chairman Oldaker commented if staff felt they had sufficient manpower to enforce the proposed ordinance, then it should be part of the City's Code, as such occurrences were a sign of the times and it could not be ignored.

Town Attorney Trevarthen noticed Cutler Bay indicated they utilized a third party vendor for the administrative burden, though they did not specify which entity it was. Thus, if administering the proposed ordinance became burdensome, staff could contact Cutler Bay to find out the details on using a third party vendor.

Vice Chairman Brandt discussed the use of the word "default" in the proposed ordinance, remarking he did not find a clear definition of what was meant by default in relation to the ordinance, as it appeared staff intended for the definition to mean something related to *lis pendens* or some type of judicial action, as opposed to not paying one's mortgage within the time period allotted. He believed there was a need to more clearly define "default" in the language of the ordinance.

Mr. Bowman reiterated if the property was occupied and the occupants were willing to abate any violations, it would be a nonissue.

Vice Chairman Brandt was concerned with the possible negative effect the proposed ordinance might create for the lender a homeowner was trying to work with.

Town Attorney Trevarthen indicated the main point was the subject ordinance was not written from the above perspective alluded to by Mr. Brandt, rather it was written from the perspective of protecting the neighborhood impacted by what took place on a certain property during a dispute between a lender and a borrower. She understood the suggestion being made, though the format of the proposed ordinance was consistent with how it was being done in other cities. If a homeowner was disclaiming all responsibility for a property, allowing it to fall into disrepair, this was the reason for devising the subject ordinance to protect surrounding neighbors that would be bearing the brunt of the problems. She noted it was a policy choice and the Board should consider whether they wished to recommend changes.

Vice Chairman Brandt thought the proposed ordinance was a big policy decision beyond the scope of the Board without a public hearing, and it might be worth getting public feedback from the Commission prior to making any Board decision.

Chairman Oldaker stated Mr. Bowman mentioned lenders were well aware of cities enacting like ordinances as a normal process, and the verbiage seemed similar to that of other cities that implemented such ordinances. He questioned if there was anything unique in the Lauderdale-By-The-Sea situation.

Mr. Bowman said there were no significant differences.

Chairman Oldaker agreed with Ms. Trevarthen as to the point of the proposed ordinance, and the Town had to start somewhere. As to the use of the word "default", the norm was 30 days after the first missed payment, and it was approximately 60 days when the whole process began, and it was subject to how the particular lender wished to proceed with the specific property. It was important for the Town to have an ordinance in place that clearly showed when action would take place in the particular process, whether there was a short sale, foreclosure, etc. He opined, as this was a somewhat generic ordinance utilized by other cities and they were having a positive response, the Board should send the matter to the Commission for a final decision.

Mr. Hunsaker believed, in reality, the ordinance went into effect when the property was not being taken care of, whether the occupants were in default or not. Registration was only required if there was a foreclosure and the Town needed to be alerted to the fact that the bank was assuming responsibility for the property's maintenance.

Vice Chairman Brandt pointed out if the property went into default, the bank had to register with the Town and was obligated to inspect the property once a month.

Town Attorney Trevarthen answered: correct. In a practical sense in terms of true code fines and problems with the Town, no action would be taken until there was a violation on the property.

Chairman Oldaker requested a motion to move on the item, whether approving the proposed ordinance and recommending it be sent to the Commission for adoption, or not to approve the ordinance.

Mr. Freeny made a motion to approve the new Code Section 11-21, seconded by Mr. Hunsaker, and to forward the ordinance to the Town Commission for approval. Chairman Oldaker received no further discussion and asked for a roll call vote.

In a roll call vote, there was a vote of 3 - 1 in favor of sending the Code Amendment for new code Section 11-21 to address foreclosed and/or abandoned properties to the Town Commission with the Board's recommendation to pass as presented. The motion carried 3 - 1; Vice Chairman Brandt voted no.

Town Attorney Trevarthen indicated the present Planning and Zoning (P&Z) meeting constituted a public forum, and there was one member of the public in attendance who showed no inclination to speak on the subject of discussion. Most P&Z boards took public comment routinely on any matter coming before them, regardless of whether or not a public hearing was required; it was up to the Board to decide upon the extent they wished to implement this practice.

Chairman Oldaker moved the discussion to Item #3: Amendments to the Town's Comprehensive Plan with revisions.

Planning Consultant Walter Keller reviewed the documents contained in the backup. He prepared a memo on the areas of the Comprehensive Plan to which the amendments applied, the basis of the changes and exactly which changes to the Plan were being proposed for the specific items. For the record, the Town had an adopted Comprehensive Plan, and the Board was only being asked to review the proposed changes, all of which were shown in the backup by strike throughs indicating deletions or by underlines indicating additions. He stated the support document in the backup was not adopted though it followed with the Plan, and the revisions to the support document were already complete but not illustrated.

Chairman Oldaker asked Mr. Keller to revisit the issue of deadlines.

Mr. Keller responded there were a number of items the Town was required to add to its Comprehensive Plan and, when the Plan went forward, if those items were not included, there would be difficulties in making certain types of amendments. For instance, if the Town was applying for a grant and some of the amendments were not in place, it might be difficult try to get the particular type of grant. He said, as to things such as the public school facility element, the Town was required to make the proposed changes based on the Town executing the Inter Local Agreement (ILA) with the School Board some six months ago. To his knowledge, the Town Commission had yet to approve the amendments to the ILA, but in his discussion with the School Board representative, the amendments would likely be ratified based on their getting approval from a sufficient number of cities within Broward to allow them to go forward. The Town was required by the ILA and the state to have a public school facility element. Mr. Keller stated he was unaware of there being a specific deadline or the Board being required to make a decision immediately, but a situation might arise where there could be problems applying for a grant due a lack of approval of the amendments. The Town employed him to create the proposed amendments with the understanding they would be processed; the longer they sat, the more likely problems could occur. The way the process worked was the P&Z Board essentially sat as the Local Planning Agency and, as such, they made recommendations to the Town Commission, and once the matters were submitted to the Commission, P&Z was essentially finished with the Comprehensive Plan. He pointed out the Town Commission would then hold a transmittal hearing, and if the Commission agreed to transmit the document after the public hearing, the document went out for review by regional and state agencies, and after approximately 120 days formal comments were submitted on possible deficiencies, suggested revisions and, in some cases, objections. The Town then had 60 days to consider the feedback, make changes to the Plan and send it in for compliance review. Mr. Keller indicated the process had a long way to go before the document was final. The Broward County

Planning Council certified municipal land use elements and, once certified by the County, became the Town's land use element. He said staff and he went through the County and were granted a provisional certification at the County Commission's December 2009 meeting, and the Town had one year to make the proposed amendments or apply for an extension to the provisional certification; he was only aware of the one-year deadline applying to the land use changes.

Town Attorney Trevarthen concurred with Mr. Kellar's comments. When items came before the P&Z Board in this manner, the Town already spent money preparing them after going through a very long and involved process. She thought if there was not a real problem, the orientation of the Board should always be to move the item forward, as in the present instance the Town was out of compliance on at least three statutes, and the changes were being made to bring the Town into compliance. One of the three statutes contained a penalty provision, but she was not implying the Town was likely to be assessed a fine in the very near future, as the powers that be were relatively slow in pursuing municipalities out of compliance. However, there was a potential of being assessed a monetary penalty. She explained, as a philosophical point for a new board and understanding its relationship to the subject Plan amendments, the disposition should be to resolve them within the month they were presented to the Board; the process worked best if the Board moved things along.

Chairperson Oldaker understood the Commission was not meeting in August.

Town Attorney Trevarthen believed a Commission meeting was tentatively scheduled for the last week of August, but the date might be changed.

Mr. Hunsaker pointed out the Town had no schools, yet due to the way the laws worked, the Town was required to have an agreement with some entity to provide education for its children and, to make the Comprehensive Plan complete, there had to be a detailed section on schools.

Mr. Keller responded the public school facility element was a major part of the proposed revisions. In the whole scheme of things, there was not a lot in the public school facility element the Town could agree or disagree to, as most was prescribed by law. The Town was required to have them in place, one by state law, though he had been previously successful in getting an exemption for the Town but the exemption was now lost. He noted at such time the Town was required to enter into the ILA. The second issue dealt with concurrency, a process the Town followed when a development project was approved.

Town Attorney Trevarthen agreed, commenting on the Town's loss of the exemption being due to a new statute in 2005 where the school concurrency was updated; the original school ILA was what the Town was exempt from. The new requirement in 2005 triggered the requirement for the Town to participate and the loss of the exemption; the criteria for exemption was related to whether what was happening in a particular community created additional impacts on schools. She said this only pertained to residential not commercial development. On the issue of lack of control, municipalities all over the County worked for over a year to write the subject element into the ILA, and the Town had been under the impression it was exempt and had no need to deal with the changes. Now the exemption was withdrawn and the Town felt frustrated with being faced with a "take it or leave it" situation, and this was due mainly to the established requirements becoming law before the Town was involved. She remarked the step being proposed was: 1) by law the Town must have a public school facilities element; 2) by law it must deal with things in a uniform manner countywide. The manner in which it was being dealt with in Broward County was determined by a very involved and inclusive process with dozens of meetings with cities, school boards and the County working out a solution and voting for it.

Chairman Oldaker felt frustration with regard to what the Town was required to do if the amendments to the ILA were already mandated and were running parallel to Broward County.

Mr. Keller intimated the ILA was originally developed in 1989 and had gone through approximately six revisions of which two or three were major. For example, when the Town annexed the intercoastal beach area and the Sea Ranch condominiums, those parcels almost doubled the size of the Town in population and area; so in 2002, there was a major update to incorporate that information. He said, essentially, the Land Use Plan contained in the Comprehensive Plan that set up the basis for zoning, density

and uses remained intact; minor changes mostly reflected existing conditions but few, if any, changes reflected proposed new development or changes in the direction the Town had in 1989. The transportation element was sensitized to reflect what the Town wanted within the boundaries of what the Town could relatively control with regard to County and state roads. He indicated the proposed amendments, while voluminous with 350 pages, concerned changes in five areas of the Plan, and the memo spelled out those amendments, such as: the land use element, the public school facility element, and the green house gases emissions element. He reiterated approval by the P&Z Board was a required step in the process as the local planning agency.

Chairperson Oldaker questioned if the Board's present discussion was about a situation that was already set in stone and if, in Mr. Keller's professional opinion, there was much the Board could add to the proposed amendments.

Mr. Keller responded the proposed amendments were his best attempt at present to meet the statutes. Based on his experience, the state would always have some objection to a municipality's plan, as this was part of the process; it was in going through the revisions stage the state might show some flexibility. In going through the process of having the plan reviewed by a variety of agencies, the P&Z Board was not reintroduced into the process unless specifically requested by the Commission, but it was not a requirement by statute. He went on to state if there was anything contained in the amendments he found controversial or anti-Town, the Board would have been informed of those issues. It was unlikely the amendments to the ILA would have much impact on the Town one way or another.

Town Attorney Trevarthen mentioned being present at the meetings where the amended ILA came up, and the concerns expressed for the Town were stated clearly, were understandable, and there was a level of frustration shown with regard to the information that was available. She pointed out most of the concerns being raised were more on the operational side of the School Board: building new schools and new capacity, and looking at new development that created demands on school capacity, and these were the issues associated with the proposed amendments to the ILA. Issues concerning which school a child attended, how boundaries were handled, and policies on how they were operating within each school were not within the legal scope of what was covered by the ILA or the public school facilities element.

Vice Chairman Brandt noted the only reason he brought the point up was due to the boundary maps being included in the Comprehensive Plan. By approving the proposed amendments, it meant the Board was in agreement with the boundary maps.

Town Attorney Trevarthen replied if anyone criticized the Commission or Board for such an agreement, she would point out to them such action made no difference at all; the boundary map was an existing map that by Constitution and statute was not within the Town's control. This was under the authority of the School Board, and it was negotiated and agreed that the system of dealing with the impacts of development and building new schools would use the individual school boundaries as opposed to another type of boundary.

Mr. Keller observed most of the units that pushed the Town over the threshold for exemption were not occupied by any children, most of them being high rise condominiums, a factor the guidelines failed to address.

Town Attorney Trevarthen commented this too was a statutory issue, as they set the threshold for exemption perhaps too sensitively.

Mr. Freeny questioned if the amendments to the ILA were to bring the Town current with regard to the school facilities element.

Mr. Keller responded before finally being adopted, it was likely the school facilities element would be revised slightly, as the ILA was being amended, and that would change a few of the policies currently contained in the ILA.

Mr. Freeny observed the amendments to the ILA were the same changes presented to the Commission previously.

Town Attorney Trevarthen answered: yes. She updated the Board on the status of the School Board acquiring sufficient Broward municipality support for the amendments to the ILA, making the changes effective. The Town needed to respond to this fact, but sufficient support allowed the County and School Board to proceed with sending the new ILA to Tallahassee for compliance review. She indicated the cities and County that already signed on had begun the process of writing the implementation of the Comprehensive Plan amendments that would contain the change in level of service.

Vice Chairman Brandt made a motion to approve the amendments to the Comprehensive Plan, seconded by Mr. Hunsaker who also called the question, and to move the item forward to the Town Commission based on the Board's recommendation. Since there was no further discussion from the board, Chairman Oldaker asked for roll call vote.

In a roll call vote, there was a 3 - 1 vote in favor of sending the proposed changes to the Town's Comprehensive Plan to the Town Commission with the Board's recommendation to pass as presented. The motion carried 3 – 1; Vice Chairman Brandt voted no.

Chairman Oldaker asked if the Board was under the wire to give its approval on Item #3, why the matter was not brought before the Board earlier.

Town Attorney Trevarthen explained the timing was not due to any dilatoriness on the Town's part, rather she believed the Town entered into the ILA with the School Board late fall of 2009, and the Town had a year to adopt the ILA.

Mr. Hunsaker emphasized the P&Z Board was not simply a cog in the wheel, rather it performed a very important service. Board members read the documents pertaining to the amendments to the Town's Comprehensive Plan, assuring the Town whatever Mr. Keller placed in the documents was reviewed and discussed. He encouraged Board members to read the document. The public chose not to attend the meeting to weigh in on the discussion, but the Board performed its duty as required. He went on to mention the addition of having a School Board representative attend the P&Z Board meeting; when he asked the representative a question concerning density and high rises, she responded they calculated one student per 200 units of a high rise. Thus, the high rise development did not create the need for schools, but it increased the number of residential units.

V. OLD BUSINESS

There was no old business to be discussed by the Board.

VI. UPDATES/BOARD MEMBER COMMENTS

Vice Chairman Brandt remarked on wishing to see the P&Z Board meeting have more public input, including from Commissioners who were welcome to attend to give the Board direction when desired. Thus far, the Board showed itself to be willing to take an ordinance, make it better and pass it on to the Commission for approval expeditiously. He commented the Board wanted to work with people seeking to make Lauderdale-By-The-Sea a better place to live and work, and the Board would always look out for the best interests of the Town and its residents, acknowledging the need to work together, and he looked forward to the Board playing a vital role in the process. He hoped residents would begin to ask the Commission to address items in the Code and this would facilitate the Board doing its work, and he looked forward to residents attending the Board's meetings to speak on items and voice their position.

Chairman Oldaker pointed out it was not always necessary for the Board to wait on the Commission for direction. The Board could make recommendations to the Commission at any time as part of its duty. He mentioned people looking at the use of buttons to conduct the P&Z meetings, noting he preferred a more casual approach, as he wished people to feel comfortable speaking and not be intimidated by electronics.

Mr. Freeny echoed sentiments expressed by his fellow Board members, noting the P&Z Board meeting was an important venue for members of the public to attend, and they should check the agenda to determine if it contained anything of interest to them. He

believed many of the changes taking place since spring 2010 showed people were pulling together, and there was a great Master Plan Steering Committee that would be working with various Town boards and departments.

Chairman Oldaker thanked staff for their work in reviewing and clarifying the agenda items.

Town Attorney Trevarthen informed the Board that Mr. Bowman and she were available to answer questions in the interim between regular meetings; for instance, if they wished to learn more about the Comprehensive Plan framework. Mr. Bowman and she were working on proposed ordinances that would come before the Board later in the year.

VII. ADJOURNMENT

There being no further business to discuss, Chairman Oldaker adjourned the meeting at 8:00 p.m., July 21, 2010.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Colleen Tyrrell, Board Secretary
